

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

URBAN GROUP REAL ESTATE
INVESTMENTS, LLC, et al.,

Plaintiffs,

CIV. NO. 16-10038

v.

HON. TERRENCE G. BERG

ANN ARBOR URBAN
LIFESTYLE, LLC, et al.,

Defendants.

/

**ORDER DENYING, WITHOUT PREJUDICE, DEFENDANTS' MOTION
TO COMPEL ARBITRATION (DKT. 7), PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION (DKT. 9) AND PLAINTIFFS' MOTION
FOR LEAVE TO FILE FIRST AMENDED COMPLAINT (DKT. 18)**

This is a dispute between real estate developers over the management of an apartment community in Ann Arbor, Michigan. On February 1, 2016, Defendants filed a motion to compel arbitration (Dkt. 7). Later that same day, Plaintiffs filed a motion for a preliminary injunction (Dkt. 9). The Court promptly set both motions for hearing. Subsequently, on April 7, 2016, Plaintiffs filed a motion for leave to file a first amended complaint (Dkt. 18). The Court also set that motion for a prompt hearing.

Prior to any hearing on these motions, the Court and the parties held several telephonic status conferences to discuss the progress of this case. During these status conferences, the parties informed the Court that they were working toward an agreement that would resolve this litigation. The parties further informed the

Court that they were working with a mediator in an attempt to come to a mutually agreeable resolution. During each conference, the parties informed the Court that they preferred to postpone any hearing on their motions until after they were able to determine whether their negotiations could succeed. The Court thus adjourned a hearing on all three pending motions to October 26, 2016, while the parties continued to negotiate.

On September 28, 2016, the Court held another telephonic status conference in this matter. The parties informed the Court that they may have reached an impasse in their negotiations, but that negotiations were still ongoing. The motions have been pending for a significant period of time, due to the parties' extensive negotiations. The facts on the ground have significantly changed since these motions were filed. Consequently, the motions currently pending (Dkts. 7, 9 & 18) will each be **DENIED WITHOUT PREJUDICE**.

Either party may renew these motions by filing a short notice on the Court's docket on or before **October 12, 2016**. If a party files such a notice, the Court will hold the previously scheduled hearing on October 26, 2016, and decide whichever motion a party chooses to renew on the previously filed briefs. Since nearly a year has passed since the initial filing of these motions, the parties may wish to modify the factual statements or arguments set forth in their motions. If the parties wish to file a new brief, making additional arguments not advanced in the previous briefing, then they may do so on or before **October 12, 2016**, but the Court will permit the opposing party to file a new response brief, and will set a hearing on a

date later than October 26, 2016. The Court explained this course of action to the parties on the September 28, 2016 teleconference, and no party had any objection to proceeding in this fashion.

Therefore, Defendants' motion to compel arbitration (Dkt. 7), Plaintiffs' motion for a preliminary injunction (Dkt. 9), and Plaintiffs' motion for leave to file a first amended complaint (Dkt. 18) are each **DENIED WITHOUT PREJUDICE**. Each of these motions may be re-filed, subject to the procedures set forth above.

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: September 30, 2016

Certificate of Service

I hereby certify that this Order was electronically submitted on September 30, 2016, using the CM/ECF system, which will send notification to each party.

s/H. Monda in the absence of A. Chubb
Case Manager